

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 4:14-00751-BHH
)	
v.)	
)	
SHARON DONETTA FENNELL)	

ORDER FOR RESTITUTION IN LIEU OF FINAL
ORDER OF FORFEITURE

This matter is before the Court upon motion of the United States for an Order providing for restitution as to certain forfeitable properties hereinafter described. The United States makes this motion upon the conviction of Sharon Donetta Fennell ("Fennell," "Defendant"), for interstate transportation of stolen property, in violation of 18 U.S.C. § 2314. A Preliminary Order of Forfeiture ("POF") was entered on April 20, 2015. ECF No. 35. Pursuant to Rule 32.2(b), Fed.R.Crim.P., the POF assessed a forfeiture money judgment against Fennell in the amount of \$41,000.00, representing the gross proceeds of the fraud and forfeited the Defendant's interest in the below described property.¹

The POF was incorporated into the Criminal Judgment filed on August 25, 2015 and became final as to Fennell on that date, pursuant to Rule 32.2(b)(4)(A). ECF No. 45. The POF directed that the United States provide notice to third parties of the government's intent to forfeit the below described property and provided that following publication and adjudication of all third-party interests in such property, the Court would enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n).

The United States has published notice of the POF. ECF No. 48. The deadline has

¹ The government is no longer pursuing the forfeiture money judgment named in the POF, and therefore, the money judgment against the defendant is dismissed.

now expired for third parties to file petitions asserting a legal interest in the below described property, with no claims, petitions or requests for extension having been made or granted.

The United States has informed the Court that it now seeks to relinquish its forfeitable interest in the below described property so that the funds may be paid to the victims pursuant to the restitution order set forth in the Criminal Judgment. ECF No. 45. Accordingly, the United States has agreed to relinquish its forfeitable interest in the below listed property in order that the funds may be used for purposes of restitution:

1. Approximately \$25,594.61 maintained in a 401(k) account managed by Webster Rogers LLP
Asset ID: 15-USP-001438
2. Approximately \$14,872.14 maintained in a profit sharing account managed by Stifel, Nicolaus & Company Inc.
Asset ID: 15-USP-001439

Therefore, the United States has moved that the funds listed in sub-paragraphs 1. and 2. directly above be applied towards restitution as set forth in the Criminal Judgment, in lieu of a final order of forfeiture, and that all funds, not to exceed the amount of outstanding restitution, be paid towards restitution, in lieu of forfeiture. At the time of this filing, Fennell's outstanding restitution obligation is \$64,031.75. The United States makes this request of restitution in lieu of forfeiture on the basis that the victims of the offense of conviction have been identified, restitution has been ordered, and the United States is endeavoring to compensate the victims pursuant to the restitution order contained in the Criminal Judgment.

Based upon motion of the United States and for good cause shown,

IT IS HEREBY ORDERED that the United States Postal Inspection Service, or its designees, is authorized and directed to transfer the above described forfeitable funds listed in sub-paragraphs 1. and 2. to an account maintained by the Clerk, U.S. District Court, for the payment of restitution to the victims, pursuant to the restitution order set forth in the Criminal Judgment in this case.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary. The Clerk, U.S. District Court, shall provide one certified copy of this Order to the United States Attorney's Office, Asset Forfeiture Division.

IT IS SO ORDERED.

s/Bruce Howe Hendricks
BRUCE HOWE HENDRICKS
UNITED STATES DISTRICT JUDGE

Florence, South Carolina
November 27, 2015